IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 19061 of 2007(T)

PETITIONER:

CHAKKAPPAN, AGED 67, S/O.POULOSE,
MALIEKAL HOUSE, CHALAKUDY VILLAGE DESOM,
CHALAKUDY P.O., THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. THE CHALAKUDY MUNICIPALITY, REP. BY ITS SECRETARY, CHALAKUDY P.O., THRISSUR DISTRICT.

2. THE SECRETARY,
CHALAKUDY MUNICIPALITY, CHALAKUDY P.O.,
THRISSUR DISTRICT.

3. THE SECRETARY TO THE GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

R1 & R2 BY SC ADV. SRI. P. SANTHALINGAM.
R3 BY SR. GOVT. PLEADER SRI. K.J. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.19061 of 2007

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Dated this the 21st day of June, 2007

JUDGMENT

Petitioner challenges Ext.P4 notice dated 15.6.2007 issued by the second respondent Secretary of the first respondent Municipality. It was issued on the basis of the report that the petitioner constructed the building after encroachment. Petitioner is called upon to demolish the building within three days from the date of receipt of the notice.

2. Heard learned counsel for respondents 1 and 2 and also the learned Government Pleader. There is no dispute that there is a right of appeal provided in law against Ext.P4. Hence the petitioner is relegated to pursue the alternate remedy.

Accordingly the writ petition is disposed of permitting the petitioner to prefer an appeal against Ext.P4 within the period of limitation. The proceedings pursuant to Ext.P4 will be kept in abeyance for a period of one month from today.

(K.M. JOSEPH, JUDGE)

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